

Introduction

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Veröffentlichungsversion / Published Version

Sammelwerksbeitrag / collection article

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:

SSG Sozialwissenschaften, USB Köln

Empfohlene Zitierung / Suggested Citation:

Kohler-Koch, B., & Larat, F. (2008). Introduction. In B. Kohler-Koch, & F. Larat (Eds.), *Efficient and democratic governance in the European Union* (pp. 1-10). Mannheim: Universität Mannheim, Mannheimer Zentrum für Europäische Sozialforschung (MZES). <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-195357>

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Introduction

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“Efficient and Democratic Governance in the European Union” was the topic investigated by the international research project CONNEX during the four years (2004–2008) of its life time. Multi-level governance stands for the high interdependence of political responsibilities executed at regional, national and European levels in close collaboration of public and private actors. Efficiency and democratic legitimacy are not easily attained since multi-level governance incites complexity. Furthermore, governance with stakeholders and civil society by-passes established mechanisms of representation and blurs responsibility. Democratic representation and accountability, however, are the very foundation of legitimate governance.

The papers contained in this volume were presented at the network’s Final Conference which took place at the University of Mannheim on March 6–8, 2008.¹ The plenary sessions were dedicated to the core issues of the CONNEX governance research: (1) Institutions and instruments for efficient EU governance, (2) Accountability and representation in a multi-level system and (3) Civil society involvement, social capital and interest intermediation.

The aim of the conference was to provide a synthetic picture of the accumulated knowledge arrived at in the many network projects. The papers are the result of a long process of research collaboration and reflect the intellectual stimulus scholars gained from integrating research in small work-packages, the larger ‘Research Groups’² and last, not least in cross-cutting workshops, ‘Thematic Conferences’ and ‘Wrapping-up Conferences’.³

Consequently, the present volume can be read as a summary of the CONNEX findings. It assembles longer essays on selected subjects together with shorter contributions which report on research accomplished in the different fields and summarise core publications. The first chapter presents the multi-facet aspects of EU governance which have been on the research agenda of CONNEX scholars and highlights the main findings of the six Research Groups. This report and the subsequent chapters give a taste of the size – and as we see it – the quality of the research output of CONNEX.

The structure of the book

Part I of the volume is dedicated to the institutional architecture of multi-level governance and to the scope and channels of transformation dealt with by Research Group 1. *Morten Egeberg* argues that European history has never experienced such a sudden and deep transformation of the ‘executive order’ as in recent years of EU integration. The Commission has emerged as a separate *executive* centre. Increasingly it engages national bodies responsible for the application of EU legislation as ‘partners’ and thus induces them to act in a ‘double-hatted’ manner, i. e. “as parts of national administrations *and* as parts of a multilevel *Union* administration”. Resulting frictions have provoked national governments to respond with administrative reforms to safeguard coherence and control so that trans-national administrative integration is not a one-way street. Rather, as Egeberg notes, the emergence of a new executive order does not seem to have replaced the former order and

executive orders co-exist in Europe. *Hussein Kassim* highlights the many contributions of Research Group 1 scholars that have enriched our knowledge on the diverse institutional and organisational factors which support the centrality of the Commission. Research has focused on the important but mostly neglected inner workings of the organization: the availability and mobilization of organizational resources, the extent of the Commission's organizational independence; the exercise of leadership, management, and coordination both within the Commission's own administration and in relation to other organisations; the identity of officials and their socialisation experiences and last, not least the processes by which the Commission defines its preferences. Another central focus of Research Group 1 was on the domestic impact of EU level institutions on respective structures, political processes and policies in the member states. *Christoph Knill* gives a critical account of the well known deficits of the concept of 'Europeanization' and suggests being more specific about the channels through which the EU impacts on domestic policies.

In Part II, three authors put the flexibility of governance through new instruments, which were a core issue in Research Group 6, under scrutiny. *Renaud Dehousse* reviews empirical evidence based on the data generated by the Observatory of European Institutions at Sciences-Po and concludes that the alleged end of the 'Community Method' may be "a death too early foretold". The EU has adjusted smoothly to the new challenges of an enlarged membership and a widening of competence by experimenting with a mix of different modes of governance so that the alleged demise of the Community Method and the opposition between old and new modes of governance is not to the point. *Charlotte Halpern* critically examines the co-existence of 'old' and 'new' policy instruments with specific attention to the political dimension. She argues that "every policy instrument entails a condensed and finalised form of knowledge about social control and ways of exercising it". Consequently, the choice of policy instruments is not just

determined by functional efficiency but always has a political component so we should be aware of effects such as avoiding public debate and obscuring political accountability. Based on empirical evidence from environmental and urban policies she demonstrates how the choice of instruments is not neutral but affects the openness and inclusiveness of the policy process and presumably also the policy output. *Thomas Conzelmann* gives a systematic review of the emergence of co – and self- regulation at EU level and explores the conditions under which private actors agree to engage in these new forms of EU governance and under what conditions the Commission resorts to regulatory threats and when it rather entrusts private actors with attaining Community goals. He draws the theory based contours of a likely ‘new public private divide’ and of the potential gains and draw-backs in terms of efficiency and political legitimacy. *Mark A. Pollack* not only comments these three papers but adds additional insight from data he and his colleague recently collected from the Commission’s Eur-Lex database on the growth of the *acquis communautaire* adopted through the traditional Community Method. His findings confirm Dehousse in so far as their data also suggest that the EU remains an active regulator with a continuous though varying growth of legislative output in distinct policy fields and a co-existence of the Community Method with new forms of governance. From his perspective this co-existence is a promising area for future research since selected case studies already suggest an incorporation of both modes of governance.

Papers presented in Part III of the volume take up the main issues discussed in Research Group 2. *Deirdre Curtin* highlights conceptual achievements and research findings. Multi-level governance brings a challenge to democracy not just at the EU level but also at the national level and in the inter-actions between the two. Since competing normative theories of democracy and the experience with divergent democratic constitutions make it difficult to arrive at a common understanding of ‘democracy’, the group decided to focus on accountability as a key

‘organizing principle’ of democracy. The conceptual debate between law and political science generated a working definition, elaborated by Marc Bovens, which did not only help to operationalise empirical studies but also to capture the problems of accountability in comparative perspective. Empirical investigations put the practices of accountability of the comitology committees under scrutiny and also explored the balance between autonomy and control of the ‘non-majoritarian agencies’ in the EU system. In her contribution Carol *Harlow* forcefully makes the point that in order to achieve accountability in the EU, “we need to replace the model of levels with a network concept of accountability that can match and outstrip the apparatus of network governance”. *Yannis Papadopoulos* takes up the issue and calls for the ‘complexification’ of controlling institutions to match the complexity of the EU decision making system. He argues that a “cartography” of all possible accountability relations and mechanisms would be necessary to adequately deal with the problem of accountability in Europe’s multi-level governance. In his view the EU is an ideal laboratory to analyse the diversity of accountability relations and their change over time. However, a better understanding of the processes and the mechanisms of accountability will only help to assess the democratic legitimacy of EU governance when we conceptually link accountability and democracy. *Antje Wiener* presents a theoretically elaborate and empirically validated argument that runs counter to widespread assumptions concerning the spread of global norms and the internationalisation of norm oriented behaviour through socialisation and learning. In her approach cultural validation is a key element in dealing with norm conflict in inter-national encounters. Consequently, norm contestation increases when practices and principles of governance as it is the case in the EU move out of the nation-state context because it implies a decline in „overlapping cultural validation of the interpreters”.

Contributions in Part IV present some core findings of Research Group 3 aimed at assessing the political legitimacy of the EU. *Jacques Thomassen* takes

up the issue of representation and how the enlargement in 2004 has affected patterns of voting behaviour, the policy congruence between the electorate and Party Groups in the European Parliament and the composition of the EU party system. The empirical findings give evidence of continuity rather than change. It still holds that the *process* of political representation is deficient but produces an outcome that mirrors fairly well the left-right divide of the electorate on main policy issues. What's more, the existing party system incorporated the parties from the new member states without difficulties and the distinctiveness of the party groups was not seriously affected. From these findings Thomassen concludes that the 2004 enlargement did not have the detrimental effect on the system of political representation as often assumed which, however, constitutes only one dimension of the political legitimacy of the EU. *Michael Marsh* examines the continuing relevance of the depiction of the European Parliament elections as 'second-order national elections' in spite of the grown influence of the EP, the impressive range of EU competence and the enlarged membership. The empirical findings are telling: EP elections give support to parties not in national governments. From the data we can conclude that neither electoral turnout nor a change in party preference is a function of attitudes on or experience with the EU or the EP. Media coverage of EP elections support the second-order phenomenon since EU issues attract little attention and the elections are depicted as unimportant, 'boring' and producing only low turn-outs.

Part V on "Civil Society, Social Capital and Interest Intermediation" includes contributions emanating from two research groups. Whereas Research Group 4 concentrated on the changing nature of interest representation and the promises of civil society involvement in EU governance, Research Group 5 set out to explore the alleged unequal distribution of social capital across Europe and the likely consequence for the active participation of citizens in the multi-level EU system. *William Maloney* reports on key questions and main findings some of which are running

counter to conventional expectations. For example, the social capital model would predict that members of voluntary associations would be far more inclined to engage with and have confidence in the EU but this is exactly the group of citizens which fare below average. It also turns out that civil society organisations are hardly a place of European social interaction; they are heavily influenced by national elites who are living under the tension that exists between acting as an efficient partner in governance and a responsive and accountable representative of grass-roots interests. An equally sobering view is presented by *Jan van Deth* in his search of the “good European citizen”. He argues that a certain level of congruence on what constitutes a “good citizen” between policy-makers, civil society associations and citizens is indispensable to further the improvement of democracy. The analysis brings to light a factual gap in actors’ expectations. Above all, the EU policymakers’ desire to integrate citizens more intensively in democratic decision-making processes and to see civil society organizations as an activator of citizens’ engagement does not match with the political preferences of citizens. In her contribution on participatory governance *Beate Kohler-Koch* investigates the alleged democratic virtues of civil society involvement in EU policy-making. Under the pressure of providing more in-put legitimacy the Commission has developed a consultation regime that explicitly invites the participation of civil society organisations. The pledge to the principle of participatory democracy and the introduction of new norms, rules and instruments of consultation has lowered the threshold of access and voice, but the new approach has not changed the fundamental character of EU governance. It remains a Brussels based elite system though the widening scope of pluralism helps to avoid the domination of singular interests. In his comments *Dario Castiglione* raises a number of pertinent questions that encourage further conceptual debate and empirical research on the appropriate role ascription of civil society in the context of multi-level governance. *Carlo Ruzza* on his turn draws attention to the ideology of civil society and the many reasons

why it finds so much political currency in Brussels. Furthermore, he argues in favour of not just looking at civil society from the perspective of providing legitimacy for European governance but also as element in the social regulation of European societies.

The Final Conference was not just meant to synthesize and present research findings from the preceding four years but also to take a look ahead and put the governance debate in a broader perspective. In Part VI *Sverker Gustavsson* presents his ideas that paved the ground for the Panel Discussion at the Final Conference on the future options of „The Living Constitution of the EU“. He confronted the panellists with the hypothesis that, first, the tension between capitalism and socialism and, second, the tension between supranationalism and nation-state autonomy give life to the real constitution of the Union. This raises a factual and a normative question: What is the actual constellation and are we willing to accept it or do we strive to re-structure the living constitution of the EU? The debate was lively thanks to the participation of prominent proponents of the three main positions which Gustavsson defined as follows: (1) “Our founding fathers made a historical mistake, which can be gradually repaired through deliberate politicisation in terms of left and right” (Simon Hix), (2) “our founding fathers created something historically admirable, and there is nothing to worry about” (Brigid Laffan), “our founding fathers made a historical mistake; the appropriate response, however, is extreme constitutional caution, which is necessary if devastating outbreaks of right-wing populism are to be avoided (Stefano Bartolini; Fritz W. Scharpf).

In her keynote speech at the Final Conference *Alberta M. Sbragia* drew attention to the tension between government and governance. She argues that the transformation of public administration in many of the old EU member states may have been a structural precondition for the emergence of public-private governance as we see it today and for the dissemination of the governance concept within the EU. Since the emergence of a system of

“distributed public governance” has quite evidently implications for the interaction with private actors, she advocates studying more closely the intersection of government and governance.

Conclusion

Instead of presenting our own conclusion we would like to refer to the summing-up statement of Brigid Laffan at the Final Conference. She applauded the maturity of the discussion and the achievements of the different research groups in developing further concepts and issues and generating new empirical knowledge. She also reminded the audience of the many still unresolved puzzles. In this sense we agree with Deirdre Curtin (in this volume): “We are at the end of the *beginning*, not the beginning of the *end* in terms both of the conversation, the concepts and the empirical focus.”

The current volume is the last of a series of nine in total. We would like to close this online CONNEX Report Series with expressing our gratitude to all those who have contributed to make it a success. Above all we want to thank the editors and the authors who have enriched the CONNEX publications and helped to disseminate rapidly research results to a broad public. Last, not least our thanks go to Stefanie Edler-Wollstein, Thomas Schneider and Oliver Schommer for unflagging support in language editing and the technical production of the volumes.

Notes

¹ The full programme is available at <http://www.connex-network.org/final-conference/>

² Research was organised in 6 Research Groups: RG1 “Institutional Dynamics and the Transformation of European Politics” (Morten Egeberg, University of Oslo), RG2 “Democratic Governance and Multi-level accountability” (Deirdre Curtin, University of Utrecht); RG3 “The Citizens’ Perception of Accountability” (Michael Marsh, Trinity College Dublin); RG4 “Civil Society and Interest Group Representation in EU Governance” (Beate Kohler-Koch, University of Mannheim); RG5 “Social Capital as Catalyst of Civic Engagement and Quality of Governance” (Frane Adam, University of Ljubljana); RG6 “The Transformation of the European Policy Space” (Renaud Dehousse, FNSP, Paris).

³ For more information on the Thematic Conferences and the Wrapping-up Conferences see <http://www.connex-network.org/final-report/>